

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THUNDER COLLINS,

Petitioner,

V.

FRED BRITTEN,

Respondent.

4:12CV3235

MEMORANDUM AND ORDER

This matter is before the court on Petitioner’s Notice of Appeal, Motion for Appointment of Counsel, and Motion for Certificate of Appealability. (Filing No. [29](#), Filing No. [30](#), and Filing No. [31](#).) Upon careful consideration,

IT IS ORDERED that:

1. In accordance with [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#), leave to proceed in forma pauperis on appeal is granted and Petitioner is relieved from paying the appellate filing fee at this time.
2. Petitioner's Motion for a Certificate of Appealability (Filing No. [31](#)) is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals. As previously set forth in the court's order and judgment dated June 4, 2014, the court will not issue a certificate of appealability in this matter. (*See* Filing No. [27](#) and Filing No. [28](#).)
3. Petitioner's Motion for Appointment of Counsel (Filing No. [30](#)) is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals.

DATED this 24th day of June, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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